



**OFFICE OF THE ATTORNEY GENERAL OF TEXAS**  
**AUSTIN**

**GERALD C. MAHN**  
ATTORNEY GENERAL

Honorable Harry Knox, Chairman  
State Board of Control  
Austin, Texas

Dear Sir:

Opinion No. 0-4205  
Re: Payment of premium on  
surety bond of State of-  
ficial.

Your letter of November 5, submits for the attention of this department the question whether premiums on the official bonds of all eleemosynary superintendents and storekeeper-accountant of eleemosynary institutions may be paid out of the appropriations made to each eleemosynary institution for "support and maintenance".

Article 692 of the Revised Civil Statutes provides that the superintendent of each eleemosynary institution shall, within twenty days after receiving notice of appointment by the State Board of Control, enter into bond in the sum of \$10,000, payable to the State of Texas, and conditioned for the faithful performance of all the duties of said office. Article 637 of the Revised Civil Statutes provides that the storekeeper-accountant of each eleemosynary institution shall, before entering upon the performance of his duties, make and file with the Comptroller a bond in the sum of \$10,000, payable to the State, conditioned for the full, faithful, accurate and honest performance of his duties.

There is no provision of the general law which stipulates that the expense of furnishing such official bonds shall be borne by the State. Likewise, there is no specific provision in the appropriation bill providing appropriations for eleemosynary institutions directing or allowing payment of the premiums on such official bonds from State funds.

Your question is answered in the negative. This department has several times ruled that where an officer or employee is required by law to furnish bond before entering upon the duties of his office or employment, and there is no provision of the statutes or specific item in the appropriation

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bill allowing or providing for the payment of the premium on such bond by the State, the expense of furnishing such bond is deemed to be personal to the employee or officer and cannot be paid out of general expense funds provided by appropriation to the particular State department or institution. See opinions Nos. 0-2092, 0-3866, and 0-3032.

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED NOV 14, 1941

*Harry Knox*  
FIRST ASSISTANT  
ATTORNEY GENERAL

RWF:mp

By

*R. W. Fairchild*  
R. W. Fairchild  
Assistant

